

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Balbir Minhas and Midlands
Gastroenterology,

Plaintiffs,

v.

South Carolina Department of Mental Health,

Defendant.

C/A No.: 3:22-cv-2553-SAL

ORDER

This matter is before the court for review of the November 22, 2022 Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 16.] In the Report and Recommendation, the Magistrate Judge recommends granting Plaintiffs' Amended Motion to Remand, ECF No. 5. *Id.* at 3. The Report also recommends denying Plaintiffs' request for fees and costs associated with bringing the motion. *Id.* The Magistrate Judge provided objections were due to the Report by December 6, 2022. *Id.* Neither party filed objections, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 16, and incorporates the Report by reference herein. Accordingly, Plaintiffs’ Amended Motion to Remand, ECF No. 5, is **GRANTED**.¹ Further, Plaintiffs’ request for fees and costs associated with bringing its motion is **DENIED**. Consequently, the case is remanded to the Court of Common Pleas of Richland County, South Carolina.

IT IS SO ORDERED.

December 9, 2022
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge

¹ The court **DENIES** Plaintiffs’ Motion to Remand, ECF No. 4, as **moot**.